**(2005) CriLJ 4759 : (2005) 4 MPLJ 22 : (2006) 1 RCR(Criminal) 557**

**Madhya Pradesh High Court**

**Case No:** M.G.C. No. 8212 of 1999

| | | |
|---|---|---|
| H.R. Manhar | | APPELLANT |
| | Vs | |
| State of M.P. | | RESPONDENT |

**Date of Decision:** Feb. 24, 2005

**Citation:** (2005) CriLJ 4759 : (2005) 4 MPLJ 22 : (2006) 1 RCR(Criminal) 557

**Hon'ble Judges:** A.K. Shrivastava, J

**Bench:** Single Bench

**Advocate:** U.K. Sharma and U.P. Tripathi, for the Appellant; Aseem Dixit, Government Advocate, for the Respondent

**Final Decision:** Allowed

**Judgement**

@JUDGMENTTAG-ORDER

A.K. Shrivastava, J.

U.K. Sharma, Senior Advocate with Shri U.K. Tripathi, Advocate for the applicants.

Shri Aseem Dixit. Govt. Advocate for the respondents.

With the consent of the learned Counsel for the parties, they are heard finally.

The contention of the learned senior counsel is that while delivering the judgment on 18-8-1999 the learned trial Judge passed certain adverse remarks against the present applicants in para 16 of the judgment. It has been contended by the learned senior counsel that applicant No. 1 H. R. Manhar is serving on the post of Sub-Divisional Officer (Police) and applicant No. 2 F. J. Tiggu is serving on the post of Sub-Inspector. Learned senior counsel by placing reliance on the decision of the Apex Court in the case of The State of West Bengal and Others Vs. Babu Chakraborty, has submitted that strictures against the police officers who were discharging their official duties and if while doing so the officers violated certain provisions, cannot be held to be a ground to pass strictures

against the said police officers because no opportunity of hearing was afforded to them. The Apex Court expunged the strictures passed in that case, by the High Court. The Apex Court also placed reliance on the earlier decision passed in the case of Sajan Abraham Vs. State of Kerala, in that regard.

Since no opportunity was afforded to the present applicants, the strictures which are passed against them in para 16 of the judgment passed by the trial Court on 18-8-199 in Sessions Trial No. 11/99 (State of M. P. v. Deepnarayan), are hereby expunged.

This petition is allowed.